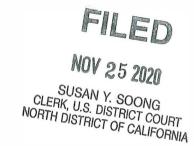
ROBERT E. ALLEN - State Bar No. 166589 1 rallen@glaserweil.com 2 GLASER WEIL FINK HOWARD **AVCHEN & SHAPIRO LLP** 10250 Constellation Boulevard, 19th Floor 3 Los Angeles, California 90067 Telephone: (310) 553-3000 4 Facsimile: (310) 556-2920 5 Attorneys for Petitioner Bayside Advisory LLC 6 7 8 9 10 11 12 13 IN RE DMCA § 512(h) SUBPOENA TO TWITTER, INC. 14 15 16 17 18 19 20



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA



SAN FRANCISCO DIVISION

CV 20 CASE NO.: 80214MISC

BAYSIDE ADVISORY LLC'S REQUEST TO THE CLERK FOR THE ISSUANCE OF A SUBPOENA TO TWITTER, INC. PURSUANT TO 17 U.S.C. § 512(h) TO IDENTIFY ALLEGED INFRINGER

Bayside Advisory LLC ("Bayside"), by and through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena to Twitter, Inc. ("Twitter") to identify an alleged infringer or infringers, pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (the "Subpoena"). A copy of the proposed Subpoena is attached as Exhibit 2 to the Declaration of Robert E. Allen ("Allen Decl.").

The requested Subpoena relates to infringing materials that Bayside discovered on the websites <twitter.com> and <pbs.twimg.com>, which Bayside is informed and believes are operated by Twitter. The infringing materials include unauthorized copies of copyrighted photographs, which are owned solely and exclusively by Bayside. Bayside registered the photographs with the United States Copyright Office on November 2, 2020 (Registration No. VA 2-221-602 and Registration No. VA 2-221-604).



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Bayside has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. § 512(h), namely:

- 1. Bayside has submitted a copy of the notifications required by 17 U.S.C. § 512(c)(3)(A). See Allen Decl. ¶ 3, Ex. 1.
- 2. Bayside has submitted the proposed Subpoena concurrently herewith. *See* Allen Decl. ¶ 5, Ex. 2.
- 3. Bayside has submitted a sworn declaration confirming the purpose for which the Subpoena is sought is to obtain the identity of the alleged infringer or infringers, and that such information will only be used for the purpose of protecting rights under Title 17 of the United States Code. See Allen Decl. ¶ 4.

Because Bayside has complied with the statutory requirements, Bayside respectfully requests that the Clerk expeditiously issue and sign the proposed Subpoena pursuant to 17 U.S.C. § 512(h)(4) and return it to the undersigned counsel for service on Twitter.

OATED: November 25, 2020 GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

By:

Attorneys for Petitioner Bayside Advisory LLC